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In re Application of
Bloebaum, Leland Scott
Application No. 10/803,139
Filed: March 17, 2004
Attorney Docket No. 9314-69

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed October 12, 2004, requesting that the above-identified application be accorded a filing date of March 17, 2004, rather than the presently accorded date of March 18, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on March 17, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 381443530 US showing a "March 17, 2004" receipt stamp. The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated March 17, 2004 on the cover page for the application papers.

In view of the USPS receipt stamp of March 17, 2004, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on March 17, 2004.

The petition is **GRANTED**.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of March 17, 2004, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2661 for examination in due course.

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Charles Steven Brantley
Petitions Attorney
Office of Petitions